

19. (Newly proposed) The multilumen catheter assembly according to claim 17, wherein the second distal end tip section is tapered and includes a sidewall portion facing away from the first lumen that is angled slightly distally, and the second guide wire opening extends through the angled sidewall portion.

19. (Newly proposed) The multilumen catheter assembly according to claim 16, wherein the first lumen, distally of the second lumen distal tip section, includes a transition portion that transitions the cross-section of the first lumen from a generally noncircular cross section shape to a generally circular cross section shape, and includes a tapered wall angled slightly proximally toward the second lumen distal tip section. - - -

REMARKS

Claims 1-11 are pending and claims 12-15 have been cancelled subject to the filing of a divisional application. Claim 1 has been amended. Support for this amendment is found in the Specification, paragraphs [0007], [0034] and [0035] as well as in Fig. 7. Newly proposed claims 16 to 19 depend from claim 1 and find support in the Specification, paragraphs [0007], [0008], [0030] and [0035], and in Figures 1, 4 and 6 to 8. Newly proposed claim 20 depends further from dependent claim 16 and finds support in the Specification in paragraphs [0022] and [0032] and in Figures 6 and 7.

The Amendment After Final Rejection dated June 3, 2005 was not entered, according to the Advisory Action mailed June 29, 2005, since it raised new issues requiring further search. The present Amendment does not include a recitation of a guide wire and therefore is believed not to raise new issues requiring further search, and the newly proposed dependent claims are adequately supported.

In the Office Action, the Examiner rejected pending claims 1-11 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,595,966 to Davey et al. ("Davey"). Applicants respectfully traverse this rejection as it pertains to amended claim 1.

In order to anticipate a claim under 35 U.S.C. §102, the reference must teach every element of the claim. M.P.E.P. §2131. Furthermore, “the identical invention must be shown in as complete detail as is contained in the . . . claim.” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989) and M.P.E.P. §2131.

Applicants respectfully submit that Davey fails to disclose or suggest all of the features of claim 1 and that the present rejection is improper. Davey fails to disclose or suggest the incorporation of a guide wire or the manner of the incorporation of the guide wire into the catheter as claimed in amended claim 1. Additionally, Davey fails to disclose providing elongated side holes that correspond to the elongated guide wall openings of the presently amended claim 1.

Applicants therefore respectfully request reconsideration and allowance of claim 1. Claims 2-11 all depend, either directly or indirectly, from claim 1, and Applicants respectfully submit that claims 2-11 are all allowable over Davey for the reasons as set forth above with respect to claim 1. Similarly, newly proposed claims 16 to 20 also depend from claim 1 and likewise are all allowable over Davey.

In the Office Action, the Examiner also rejected claims 1-11 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,405,341 to Martin (“Martin”). Applicants respectfully traverse this rejection as it pertains to amended claim 1.

In Fig. 5, Martin discloses a guide wire 54 inserted into the return opening 46 and out the guide wire side opening 52. The guide wire 54 is then inserted into the intake opening 44 and through the lumen 28. Martin fails to disclose or suggest the insertion of the guide wire into a second lumen through a guide wire opening located proximally of the intake opening 44, as is claimed in amended claim 1. Further, Martin fails to disclose an elongated side wall opening that corresponds to the elongated second guide wire opening of the present invention.

Applicants therefore respectfully request reconsideration and allowance of claim 1. Claims 2-11 all depend, either directly or indirectly, from claim 1, and Applicants respectfully submit that

claims 2-11 are all allowable over Martin for the reasons as set forth above with respect to claim 1.

Similarly, newly proposed claims 16 to 20 also depend from claim 1 and likewise are believed allowable over Martin.

CONCLUSION

In view of the foregoing, Applicants respectfully submit that claims 1-11 are in condition for allowance. Applicants also submit that newly proposed dependent claims 16 to 20 are in condition for allowance. Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims. If there are any other fees due in connection with the filing of this response, please do not hesitate to contact the undersigned.

Respectfully Submitted,

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